

REMARKS

This Amendment is in response to the Office Action dated September 11, 2003. In the Office Action, claims 1-18 were rejected under 35 USC §103. By this Amendment, claims 6, 7, 11, 12, 14-16, and 18 are amended. Currently pending claims 1-18 are believed allowable, with claims 1, 8, 9, 11, and 15 being independent claims.

CHANGE OF CORRESPONDENCE ADDRESS AND CUSTOMER NUMBER:

The Examiner is referred to the paper titled CHANGE OF CORRESPONDENCE ADDRESS AND CUSTOMER NUMBER filed August 15, 2003 (a copy of this paper is enclosed herewith). The Applicant requests that the Examiner update the file record to reflect the new contact information and customer number for the Application.

DRAWING OBJECTIONS:

The drawings in the present Application were objected to by the Examiner as not showing every feature of the invention specified in the claims. Newly added Figures 6, 7 and 8 are submitted herewith to overcome the objections to the drawings.

Figure 6 shows a computer program product embodied in a tangible media. Support for Figure 6 can be found at least in claims 8 and 15.

Figure 7 shows the operation of if the task is not capable of fully loading into the instruction cache, logically dividing the task code such that least one atomic portion of the task code will fully load in the instruction cache. Support for Figure 7 can be found at least at page 3, lines 14-30 of the Application and claim 14.

Figure 8 shows the operation of executing the task code for processing the new task in the instruction cache without loading new code into the instruction cache. Support for Figure 8 can be found at least at least at page 8, lines 12-23 of the Application and claim 13.

AMENDMENT TO THE SPECIFICATION:

Please update the file record to reflect the new Attorney Docket Number GB919990026US1 for the present Application.

The Brief Description of the Drawings is amended in accordance with CFR \$1.74 to include a brief description of Figures 6, 7 and 8 submitted herewith. No new matter presented by this Amendment.

CLAIM REJECTIONS UNDER 35 USC \$103:

Claim 1 of the pending Application stands rejected as obvious over U.S. Patent No. 5,727,211 to Gulsen ("Gulsen") in light of U.S. Patent No. 5,875,464 to Kirk ("Kirk"), and in further view of U.S. Patent No. 5,835,763 to Klein ("Klein"). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, the prior art references must teach or suggest all the claim limitations. MPEP \$706.02(j). Claim 1 recites, in part, "placing the tasks of the same task type into a batch such that the tasks in a batch are processed before processing the next ordered task."

The Examiner states that Gulsen in view of Kirk fail to teach placing tasks of the same task type into a batch such that the tasks in a batch are processed before processing the next ordered task. Office Action, page 5, lines 4-6. However, Klien is cited as teaching a processing system where a batch job is processed before the next task. Office Action, page 5, lines 8-10. Clearly, processing batch jobs synchronously fails to teach or suggest the claim limitation of placing tasks of the same task type into a batch such that the tasks in a batch are processed before processing the next ordered task. The Examiner further states, "it is notoriously common knowledge and well know in the art that a batch can contain task of the same type." Office Action, page 5, lines 7-8.

In response to the Examiner's assertion, it is respectfully submitted that the Examiner has not provided prior art evidence as to the specific limitation of placing tasks of the same task type into a batch such that the tasks in a batch are processed before processing the next ordered task. Therefore, for at least this reason reconsideration and withdrawal of the rejection is respectfully requested. If the claim rejection is maintained, Applicant requests that evidence be provided to clarify the meaning of the broad assertion that "it is notoriously common knowledge and well know in the art that a batch can contain task of the same type." See CRF \$1.104(d)(2).

In making a *prima facie* obviousness rejection, there must be some evidence, either in the references themselves or in the knowledge generally

available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See MPEP §2143. "Broad conclusory statements regarding the teachings of multiple references, standing alone, are not 'evidence.'" *In re Dembicziak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed.Cir. 1999).

The Examiner offers as motivation of combining the teachings of Kirk with those of Gulsen ". . . for the reason of making the existing system more versatile by having more variety of tasks." Office Action, page 4, lines 13-14. The Examiner additionally combines the teachings of Kirk ". . . for the reason of increasing speed and productivity of the system." Office Action, page 5, lines 1-2. It is respectfully submitted that the Examiner has not provided evidence as to the desirability of making the specific combination that forms the subject matter claimed. Rather, the Examiner has erroneously construed the teaching of Kirk, Gulsen and Klein through impermissible hindsight in view of the present disclosure. Thus, for at least this reason it is respectfully submitted that a *prima facie* obviousness rejection has not been established by the Examiner.

In light of the preceding discussion, claim 1 of the present Application is not obviated by Gulsen, Kirk, and Klien, and is allowable over the cited art. Furthermore, claims 2-7 are dependent on and further limit claim 1. For at least this reason, claims 2-7 are also allowable over the cited art.

Claim 8 stands rejected as obvious over Gulsen in light of Kirk, and further in view of Klein. This rejection is respectfully traversed. Claim 8 recites, in part, "scheduling tasks of the same type into a batch such that tasks in a batch are processed before processing the next ordered task." As detailed above, the Examiner has not provided prior art evidence as to the specific limitation of scheduling tasks of the same task type into a batch such that the tasks in a batch are processed before processing the next ordered task. Furthermore, no specific evidence to combine teachings of Gulsen, Kirk and Klien has been proffered by the Examiner. For at least these reasons, it is respectfully submitted that claim 8 is allowable over the cited art.

Claim 9 stands rejected as obvious over Gulsen in light of Kirk, and further in view of Klein. This rejection is respectfully traversed. Claim 9 recites, in part, "scheduling tasks of the same type into a batch, wherein

the means for processing the tasks is operable to process the tasks in a batch before processing the next ordered task." As detailed above, the Examiner has not provided prior art evidence as to the specific limitation of scheduling tasks of the same task type into a batch such that the tasks in a batch are processed before processing the next ordered task. Furthermore, no specific evidence to combine teachings of Gulsen, Kirk and Klien has been proffered by the Examiner. For at least these reasons, it is respectfully submitted that claim 9 is allowable over the cited art.

Claim 10 is dependent on and further limits claim 9. Since claim 9 is allowable over the cited art, claim 10 is also allowable over the cited art.

Claim 11 stands rejected as obvious over U.S. Patent No. 5,668,993 to Peters et al. ("Peters") in view of Kirk. Claim 11 recites, in part, "determining if the task queue includes a cached task that requires the same code to process the cached task and the new task." It is respectfully submitted that neither Peters nor Kirk teach or suggest this limitation.

The Examiner cites Kirk as teaching "tasks using cached tasks in a task queue." Office Action, page 11, lines 10-11. Clearly, using cached tasks in a task queue fails to teach or suggest the claim limitation of determining if the task queue includes a cached task that requires the same code to process the cached task and the new task. Moreover, Kirk appears to disclose a cache system to protect a task's cache region and prevent other tasks in a multitasking environment from perturbing the cache. Kirk, column 3, lines 34-37. It is respectfully submitted that nowhere in Kirk is there a discussion regarding cached tasks and new tasks requiring the same processing code. Thus, Kirk cannot be as cited as teaching or suggesting the above-quoted claim limitation.

Peters equally fails to teach or suggest the above-quoted claim limitation. On the contrary, Peters teaches away from determining if the task queue includes a cached task that requires the same code to process the cached task and the new task by disclosing, "the tasks being assembled into a finished batch after parallel processing completes." Peters, column 3, lines 15-16 (emphasis added). Rather than grouping tasks before processing (i.e., while in a cache), Peters describes grouping tasks after processing.

It is further noted that the Examiner has not provided evidence as to the desirability of making the specific combination that forms the subject

matter claimed. The Examiner offers as motivation of combining the teachings of Peters and Kirk, ". . . for the reason of increasing speed and efficiency by utilizing the benefits of cache." Office Action, page 11, lines 15-16. Thus, it is respectfully submitted that the Examiner has erroneously construed the teaching of Peters and Kirk through impermissible hindsight in view of the present disclosure. For at least these reasons, it is respectfully submitted that a *prima facie* obviousness rejection of claim 11 has not been established by the Examiner and claim 11 is allowable over the cited art.

Claim 12-14 are dependent on and further limit claim 11. Since claim 11 is allowable over the cited art, claims 12-14 are also allowable over the cited art for at least the same reasons as claim 11.

Claim 15 stands rejected as obvious over Peters in view of Kirk. This rejection is respectfully traversed. Claim 15 recites, in part, "determine if the task queue includes a cached task that requires the same code to process the cached task and the new task." As detailed above, the Examiner has not provided prior art evidence as to the specific limitation of determining if the task queue includes a cached task that requires the same code to process the cached task and the new task. Furthermore, no specific evidence to combine teachings of Peters and Kirk has been proffered by the Examiner. For at least these reasons, it is respectfully submitted that claim 15 is allowable over the cited art.

Claim 16-18 are dependent on and further limit claim 15. Since claim 15 is allowable over the cited art, claims 16-18 are also allowable over the cited art for at least the same reasons as claim 15.

CONCLUSION

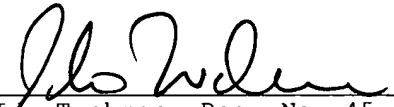
In view of the forgoing remarks, it is respectfully submitted that the pending Application is now in condition for allowance and such action is respectfully requested. If any points remain at issue which the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

This Amendment is being filed with a petition for a one-month extension of time under 37 CFR 1.136(a). Please charge Deposit Account 50-0510 the one-month extension of time fee of \$110. No additional fee is believed due

with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should additional extensions of time be required, please consider this a petition thereof.

Respectfully submitted,

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